

§ 518.88

32 CFR Ch. V (7-1-98 Edition)

§ 518.88 Computation of fees.

The fee schedule in this chapter shall be used to compute the search, review (in the case of commercial requesters) and duplication costs associated with processing a given FOIA request. Costs shall be computed on time actually spent. Neither time-based nor dollar-based minimum charges for search, review and duplication are authorized.

COLLECTION OF FEES AND FEE RATES

§ 518.89 Collection of fees.

Collection of fees will be made at the time of providing the documents to the requester or recipient when the requester specifically states that the costs involved shall be acceptable or acceptable up to a specified limit that covers the anticipated costs. Collection of fees may not be made in advance unless the requester has failed to pay previously assessed fees within 30 calendar days from the date of the billing by the DoD Component, or the Component has determined that the fee will be in excess of \$250 (see § 518.81).

§ 518.90 Search time.

(a) Manual search.

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	12
Professional ...	01-06/GS9-GS/GM15	25
Executive	07/GS/GM16/ES1 and above	45

(b) *Computer search.* Computer search is based on direct cost of the central processing unit, input-output devices, and money capacity of the actual computer configuration. The salary scale (equating to paragraph a above) for the computer operator/programmer determining how to conduct and subsequently executing the search will be recorded as part of the computer search.

§ 518.91 Duplication.

Type	Cost per page (cents)
Pre-Printed material	02.
Office copy	15.
Microfiche	25.
Computer copies (tapes or printouts).	Actual cost of duplicating the tape or printout (includes operator's time and cost of the tape).

§ 518.92 Review time (in the case of commercial requesters).

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	12
Professional ...	01-06/GS9-GS15	25
Executive	07/GS16/ES1 and above	45

§ 518.93 Audiovisual documentary materials.

Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality. Army audiovisual materials are referred to as "visual information."

§ 518.94 Other records.

Direct search and duplication cost for any record not described above shall be computed in the manner described for audiovisual documentary material.

§ 518.95 Costs for special services.

Complying with requests for special services is at the discretion of the Components. Neither the FOIA, nor its fee structure cover these kinds of services. Therefore, Components may recover the costs of special services requested by the requester after agreement has been obtained in writing from the requester to pay for one or more of the following services:

- (a) Certifying that records are true copies.
- (b) Sending records by special methods such as express mail, etc.

COLLECTION OF FEES AND FEE RATES
FOR TECHNICAL DATA

§ 518.96 Fees for technical data.

(a) Technical data, other than technical data that discloses critical technology with military or space application, if required to be released under the FOIA, shall be released after the person requesting such technical data pays all reasonable costs attributed to search, duplication and review of the records to be released. Technical data, as used in this Section, means recorded information, regardless of the form or

Department of the Army, DoD

§ 518.96

method of the recording of a scientific or technical nature (including computer software documentation). This term does not include computer software, or data incidental to contract administration, such as financial and/or management information. DoD Components shall retain the amounts received by such a release, and it shall be merged with and available for the same purpose and the same time period as the appropriation from which the costs were incurred in complying with request. All reasonable costs as used in this sense are the full costs to the Federal Government of rendering the service, or fair market value of the service, whichever is higher. Fair market value shall be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges shall be based on recovery of full costs to the Federal Government. The full cost shall include all direct and indirect costs to conduct the search and to duplicate the records responsive to the request. This cost is to be differentiated from the direct costs allowable under the Collection of Fees and Fee Rates portion of this subpart for other types of information released under the FOIA. DD Form 2086-1 (Record of Freedom of Information (FOI) Processing Cost for Technical Data) will be used to annotate fees for technical data. The form is available through normal publications channels.

(b) Waiver. Components shall waive the payment of costs required in § 518.96(a), which are greater than the costs that would be required for release of this same information under the Collection of Fees and Fee Rates portion of this subpart if:

(1) The request is made by a citizen of the United States or a United States corporation, and such citizen or corporation certifies that the technical data requested is required to enable it to submit an offer, or determine whether it is capable of submitting an offer to provide the product to which the technical data relates to the United States or a contractor with the United States. However, Components may require the citizen or corporation to pay a deposit in an amount equal to not more than the cost of complying with

the request, which will be refunded upon submission of an offer by the citizen or corporation;

(2) The release of technical data is requested in order to comply with the terms of an international agreement; or,

(3) The Component determines in accordance with § 518.80(a), that such a waiver is in the interest of the United States.

(c) Fee Rates.

(1) Search time. (i) Manual Search.

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	13.25
(Minimum Charge).	.....	8.30

Professional and Executive (To be established at actual hourly rate prior to search. A minimum charge will be established at ½ hourly rates.)

(ii) Computer search is based on the total cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The wage (based upon the scale in § 518.96(c)(1)(i), for the computer operator and/or programmer determining how to conduct, and subsequently executing the search will be recorded as part of the computer search.

(2) Duplication.

Type	Cost
Aerial photographs, specifications, permits, charts, blueprints, and other technical documents	\$2.50
Engineering data (microfilm):	
Aperture cards:	
Silver duplicate negative, per card .....	.75
When key punched and verified, per card .....	.85
Diazo duplicate negative, per card .....	.65
When key punched and verified, per card .....	.75
35mm roll film, per frame .....	.50
16mm roll film, per frame .....	.45
Paper daprnts (engineering drawings), each	1.50
Paper reprints of microfilm indices, each .....	.10

(3) Review time.

Type	Grade	Hourly rate (\$)
Clerical	E9/GS8 and below	13.25
(Minimum Charge).	.....	8.30

Professional and Executive (To be established at actual hourly rate prior to review. A minimum charge will be established at ½ hourly rates.)

§ 518.97

(d) Other technical data records. Charges for additional services not specifically provided in § 518.96(c), consistent with DoD Instruction 7230.7 (reference (r)), shall be made by Components at the following rates:

1. Minimum charge for office copy (up to six images)	\$3.50
2. Each additional image .....	.10
3. Each typewritten page	3.50
4. Certification and validation with seal, each	5.20
5. Hand-drawn plots and sketches, each hour or fraction thereof	12.00

Subpart G—Reports

REPORTS CONTROL

§ 518.97 General.

The reporting requirement outlined in this subpart is assigned Report Control Symbol DD-PA(A) 1365. See appendix F for DD Form 2564, Annual Report Freedom of Information Act.

ANNUAL REPORT

§ 518.98 Reporting time.

Each DoD Component shall prepare statistics and accumulate paperwork for the preceding calendar year on those times prescribed for the annual report and submit them in duplicate to the ASD(PA) on or before each February 1. Existing DoD standards and registered data elements are to be used for all data requirements to the greatest extent possible in accordance with the provisions of DoD Directive 5000.11 (reference(s)) AR 25-9. The standard data elements are contained in DoD Directive 5000.12-M (reference (99)). The Army will follow guidelines below and submit the information to the Army Freedom of Information and Privacy Act Division, Information Systems Command, Attn: ASQNS-OP-F, Room 1146, Hoffman Building I, Alexandria, VA 22331-0301 by the second week of each January.

(a) Each reporting activity will submit the information requested in § 518.99, items (a)(1), (a)(2), (a)(5), (a)(6), (b)(3), (i), (j)(1), (j)(2) and (j)(2)(i). Data will be collected throughout the year on DD Form 2086.

32 CFR Ch. V (7-1-98 Edition)

(b) Each IDA will submit the information requested in § 518.99, excluding items (d) through (h).

(c) The Judge Advocate General, Army, will submit the information requested in § 518.99, item (9).

(d) The Army General Counsel will submit the information requested in § 518.99, items (d) through (f).

(e) The Information Systems Command will compile the data submitted in the Department of the Army's annual Reporting of Freedom of Information Processing Costs (RCS DD-PA(A) 1365). This report will be coordinated through the DISC4 (SAIS-PDC), WASH DC 20310-0107, to the Director of Freedom of Information and Security Review by 31 January each year.

§ 518.99 Annual report content.

The following instructions shall be used in preparing the annual report for submission on DD Form 2564 (see appendix G to this part). DD Form 2564 may be ordered through publication channels or reproduced locally:

(a) Item 1.

(1) *Total requests.* Enter the total number of FOIA requests responded to during the calendar year.

(2) *Granted in full.* Enter the total number of FOIA requests responded to and granted in full during the calendar year. (This may include requests granted by your office, yet still requiring action by another office).

(3) *Denied in part.* Enter the total number of FOIA requests responded to and denied in part based on one or more of the nine FOIA exemptions. (Do not report denial of fee waivers).

(4) *Denied in full.* Enter the total number of FOIA requests responded to and denied in full based on one or more of the nine FOIA exceptions. (Do not report denial of fee waivers).

(5) *“Other Reason” responses.* Enter the total number of FOIA requests in which you were unable to provide all or part of the requested information based on an “Other Reason” response. Item (b)(3) of this section explains the six possible “Other Reasons”.

(6) *Total actions.* Enter the total number of FOIA actions taken during the calendar year. This number will be the sum of paragraphs (a)(2) through (a)(5) of this section.